

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

AVERA MARSHALL
Employer

and

Case 18-RC-233463

AMERICAN FEDERATION OF STATE COUNTY
AND MUNICIPAL EMPLOYEES, AFL-CIO,
COUNCIL 65
Petitioner

ORDER

The Employer's Request for Board Review of Direction of Election, Denial of Motion for Reconsideration and Decision and Certification of Representative is denied as it raises no substantive issues warranting review.¹

LAUREN McFERRAN, MEMBER

MARVIN E. KAPLAN, MEMBER

WILLIAM J. EMANUEL, MEMBER

Dated, Washington D.C., May 17, 2019.

¹ The Regional Director referred to the Employer's January 31 Motion for Reconsideration of the Decision and Direction of Election as "not timely filed." The Motion appears to be timely filed pursuant to Sec. 102.65(e)(1) of the Board's Rules and Regulations which provides for 14 days for filing Motions for Reconsideration. Thus, we do not think the Regional Director was calling the motion untimely in a legal sense, but rather untimely related to the scheduled election date and notice posting period pursuant to Sec. 102.67(k) of the Board's Rules and Regulations.

Members Kaplan and Emanuel express no view with respect to whether they agree or disagree with the revisions made by the Board's Election Rule, but they agree that it applies here and warrants denial of the Employer's request for review.